

REMARKS

Claims 9-10, 15, 29, 31, 32, 35, 36, 40 and 41 are pending in the application. Claims 7-8, 11-14 and 16-20 and 37-39 are withdrawn, and claims 9 and 40 have been amended. Applicants reserve the right to pursue any withdrawn or canceled subject matter in one or more continuation or divisional applications.

Applicants are pleased to note that the Examiner has found claims 15, 31, 32, 35 and 36 allowable. Applicants are also pleased to note that the Examiner found the arguments regarding withdrawal of claims 9 and 29 persuasive and has rejoined these claims.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 9, 29, 40 and 41 under 35 U.S.C. § 112 second paragraph. Claim 9 is rejected because the Examiner asserts that it is unclear how the third antibody detects the combination in step (iii), and claim 40 is rejected because the Examiner asserts it is unclear how the second antibody detects the combination in step (ii). The claims have been amended to promote prosecution. Specifically, claim 9 has been amended to recite that the third antibody “binds the second antibody” and claim 40 has been amended to recite that the second antibody “binds the combination” in step (ii). These amendments find support in the specification in the Examples section, which details the steps of the assays. Applicants believe these amendments overcome the Examiner’s rejections under 35 U.S.C. § 112.

Rejections under 35 USC § 103

The Examiner rejected claims 1-3, 6, 22-24, and 30 under 35 U.S.C. § 103 as obvious in light of Somers (U.S. Patent No. 6,121,319) and claims 4, 5, 10 and 25-27 under 35 U.S.C. § 103 as obvious over Somers in view of Koren (U.S. Patent No. 6,107,045). Solely to facilitate issuance of presently allowable subject matter, these claims have been canceled and the rejections are thus rendered moot. Applicants preserve their right to continue the prosecution of these claims in a continuation application.

Applicants note that Information Disclosure Statements were filed with the Patent Office on February 28, 2000 and May 5, 2000. Applicants request that the Examiner initial and return the Forms 1449 submitted with these documents.

Conclusion

In view of the above presented amendments and arguments, Applicants request that the Examiner allow the pending claims. Applicants believe no further fees are due with this response, however if the Examiner determines that any fees are due, the Commissioner is hereby authorized to charge any additional fees associated with this response to Deposit Account No. 11-0980.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sherry Knowles", written in a cursive style.

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